

## INDEPENDENT DISCIPLINARY OFFICERS

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Independent Review Officer  
Hon. Barbara S. Jones

Independent Investigations Officer  
Hon. Joseph E. diGenova  
Administrator  
John J. Cronin, Jr., CPA

### SENT VIA E-MAIL AND U.S. MAIL

January 25, 2017

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Re: Charge Against Charles A. Bertucio

Dear Counsel:

This matter comes before the Independent Review Officer (IRO), pursuant to paragraph 34 of the Final Agreement and Order in United States v. International Brotherhood of Teamsters (IBT), et al., 88 Civ. 4486 (LAP) (the "Final Order"), for a determination as to whether a de novo hearing is necessary on the charge brought against Charles A. Bertucio.

By way of background, on February 11, 2016, the Independent Review Board proposed that the IBT charge Bertucio for allegedly "bring[ing] reproach upon the IBT and violat[ing] Article II, Section 2(a) and Article XIV, Section 3 of the IBT Constitution in violation of Article XIX, Sections 7(b)(1) and (2) of the IBT Constitution . . . ." The IBT accepted the charge. A panel hearing was conducted on August 8, 2016. Following the submission of post-hearing briefs by the parties, the hearing panel issued its Report and Recommendation. The hearing panel found that the charge against Bertucio should be dismissed and recommended that Bertucio's membership in Local 853 "be vacated and any record of his

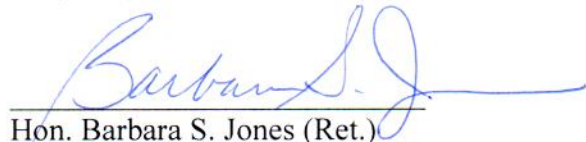
Pursuant to the Consent Order of the United States District Court of the S.D.N.Y.  
United States-v-International Brotherhood of Teamsters, 88 CIV. 4486 (LAP)

having established membership be expunged.” On August 30, 2016, the IBT General President accepted the Report and Recommendation.

Pursuant to paragraph 33 of the Final Order, on October 26, 2016, the IRO notified the General President that he found the IBT’s disciplinary decision inadequate and recommended that the IBT reevaluate the evidence presented at the hearing (the “Oct. 26 Letter”). On November 16, 2016, the General President responded to the IRO, and, in essence, declined to adopt the IRO’s inadequacy finding or otherwise alter the hearing panel’s decision (the “Nov. 16 Letter”).

Based on my review of the record, I find that the General President’s action, as encompassed by the Nov. 16 Letter, is inadequate to remedy the deficiencies identified by the IRO. Therefore, a de novo hearing before the IRO on the charge against Mr. Bertucio is necessary. A formal notice, pursuant to paragraph 34 of the Final Order and Section D of the Rules Governing the Authorities of Independent Disciplinary Officers and the Conduct of Hearings, is enclosed. As a reminder, you are responsible for providing a court stenographer at the hearing.

Very truly yours,



Hon. Barbara S. Jones (Ret.)  
Independent Review Officer

Enclosure

cc: Bradley Raymond, Esq.  
John Cronin

IN RE: Chalres A. Bertucio

INDEPENDENT REVIEW OFFICER'S  
NOTICE OF HEARING

TO: Mr. Charles A. Bertucio  
26 Stanford Lane  
Lafayette, California 94549

1. PLEASE TAKE NOTICE THAT, in accordance with the Rules Governing the Authorities of Independent Disciplinary Officers and the Conduct of Hearings ("IDO Rules"), a copy of which was previously provided to you, the Independent Review Officer ("IRO") has determined that a de novo hearing in the above-referenced matter shall commence on March 16, 2017, at 10:00 a.m. The hearing will be held at the Sheraton Fisherman's Wharf Hotel, 2500 Mason Street, San Francisco, California 94133.

2. PLEASE TAKE FURTHER NOTICE THAT, a copy of the Independent Review Board's ("IRB") Investigative Report and its attached exhibits have previously been sent to you. This case was transferred from the IRB to the IRO on February 17, 2016. The purpose of the hearing shall be to determine whether the Charge the General President filed against you is supported by the evidence. (IDO Rules at Section C.)

3. PLEASE TAKE FURTHER NOTICE THAT, you have the right to be represented at the hearing by counsel or by an IBT member. (IDO Rules at Section E.)

4. PLEASE TAKE FURTHER NOTICE THAT, at the hearing, the parties, including the Independent Investigations Officer ("IIO"), shall be permitted to present any facts, evidence, or testimony that is relevant to the issues before the IRO. (IDO Rules at Section K.)

5. PLEASE TAKE FURTHER NOTICE THAT, the hearing shall be conducted under



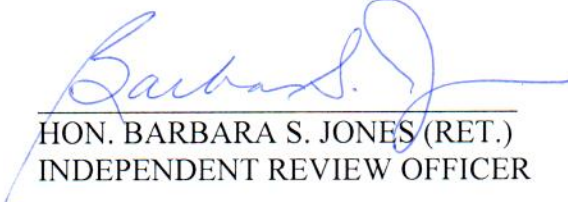
the IDO Rules and the procedures generally applicable to labor arbitration hearings. (IDO Rules at Section H.)

6. PLEASE TAKE FURTHER NOTICE THAT, you have the option to have a court stenographer present at the hearing at your own expense and, in such an event, you will be required to supply copies of the hearing transcript to the IRO and the IIO. If you choose not to have a court stenographer present at the hearing, you must so notify the IIO at least five days prior to the hearing. (IDO Rules at Section I.)

7. PLEASE TAKE FURTHER NOTICE THAT, if the proposed charge contained in the Investigative Report is sustained, the IRO shall have the authority to impose any discipline authorized by the IBT Constitution, the Final Agreement and Order, dated February 17, 2015, entered into between the Government and the IBT in United States v. IBT, 88 Civ. 4486 (S.D.N.Y.), and applicable law. (IDO Rules at Section O.)

8. PLEASE TAKE FURTHER NOTICE THAT, after the hearing, the IRO shall issue a written decision, with copies to be sent to you, the IIO, the General President, and the IBT General Executive Board. (IDO Rules at Section O.)

9. PLEASE TAKE FURTHER NOTICE THAT, the decision of the IRO shall be final and binding. (IDO Rules at Section O.)

  
HON. BARBARA S. JONES (RET.)  
INDEPENDENT REVIEW OFFICER

Dated: January 25, 2017